

REMARKS

Claims 1-4 and 7-11 are all the claims pending in the application. In view of the following remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

I. Withdrawal of Allowability

Applicant notes that the Examiner has withdrawn the allowability of the claims in view of newly discovered prior art. However, because one of the cited references is being disqualified by perfection of priority, applicant respectfully requests that the Examiner reinstate the allowability of claims 2-4 and 8-11. Further, applicant respectfully submits that claims 1 and 7 are allowable for at least the reasons discussed below.

II. Claims 1 and 7 would not have been obvious

Claims 1 and 7 stand rejected due to alleged obviousness under 35 U.S.C. § 103(a) over Ayres in view of Cohn and Mangal. Applicant respectfully submits that the proposed combination of references fails to disclose or suggest all of the claimed combinations of features recited in independent claims 1 and 7, for at least the reasons discussed below.

First, applicant respectfully submits that the Examiner's proposed combination of references fails to disclose or suggest distributing video information *about the area* when the detected traffic is below a threshold, as recited in claims 1 and 7. More specifically, applicant respectfully submits that the proposed combination of references fails to disclose or suggest registering a user request for a video distribution service about an area, and distributing the video information about the area when a mobile phone is detected in the area. Applicant respectfully submits that the cited references are silent with respect to the relationship between the identified area and the selected content, and instead leave the selection process entirely up to the user.

The claimed invention is different from the Examiner's proposed combination of references in that there is a relationship between the specific area in which the mobile phone exists and the video information that is distributed.

Second, applicant respectfully submits that the Examiner's proposed combination of references fails to disclose or suggest that *if the video information has not already been provided to the mobile phone that is not in use, displaying the video information in real time*, as recited in claims 1 and 7.

As admitted by the Examiner, Ayers does not disclose or suggest the foregoing claimed feature. To overcome this admitted deficiency, the Examiner proposes to combine Ayers with Cohn and Mangal.

More specifically, the Examiner cites Cohn at paragraphs [0013, 0022, 0024, 0036, 0050], and Mangal at column 13, lines 19-31, 57-62; column 14, lines 4-13 and column 4, lines 35-47. Applicant respectfully submits that the foregoing passages do not disclose or suggest *if the video information has not already been provided to the mobile phone that is not in use, displaying the video information in real time*, as recited in independent claims 1 and 7.

For example, but not by way of limitation, applicant respectfully submits that the portions of Cohn cited by the Examiner are actually directed to storing and sending data generally. Further, while paragraph [0026] discloses allowing playback while not connected to a service provider, applicant respectfully submits that such a disclosure is distinguishable to real time display to the mobile that is not in use when the video information has not already been provided to the mobile phone. Further, Cohn is generally referring to a one-time use of the *content*, and is not directed to whether the mobile phone itself is *in use*.

Further, applicant respectfully submits that the portions of Mangal cited by the Examiner are actually directed to issues of setup latency and buffering of initial media information until a link exists to transfer the media further. Applicant respectfully submits the Mangal is silent as to whether the mobile phone is in use during any part of the process, and thus, is not relevant to the above-discussed features of claims 1 and 7.

Accordingly, applicant respectfully submits that the Examiner's proposed combination fails to render obvious all of the claimed combinations of features recited in independent claims 1 and 7.

For at least the foregoing reasons, applicant respectfully requests withdrawal of the obviousness rejections, and allowance of the claims.

III. Claims 2-4 and 8-11 would not have been obvious

Claims 2-4 and 9-11 stand rejected under 35 U.S.C. § 103 due to alleged obviousness based on the Examiner's proposed combination of Ayres, Trossen, Jang and Cohn. Claim 8 stands rejected based on the Examiner's proposed combination of Ayres, Trossen and Jang. For at least the reasons discussed below, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

In the foregoing rejections, Jang is applied to cure the admitted deficiencies of other combinations of references. Applicant notes that the earliest effective U.S. Filing Date for Jang is December 31, 2003. The application claims priority to Japanese patent application no. 2003-106942, filed on April 10, 2003, which is well before the earliest possible prior art date of Jang.

Applicant respectfully submits that the earliest effective filing date of Jang is after the foreign priority date of the present application. Therefore, applicant respectfully submits that Jang is not applicable as prior art in the present rejection. Thus, applicant respectfully requests

disqualification of the Jang reference. Applicant will submit a verified translation of the priority document shortly, and thus submits that the requirements for perfecting priority have been met.

Without the Jang reference, the deficiencies of the proposed combination are not cured. Therefore, applicant respectfully requests withdrawal of these rejections, and that the Examiner reinstate the allowance of the claims.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

/Mainak H. Mehta/
Mainak H. Mehta
Registration No. 46,924

Date: October 26, 2007